

07-16-03 41

1638/11

DOCKET NO.: RUBC-0046 (99-0002US)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joachim Messing and Jinsheng Lai

Application No.: 09/763,329

Filing Date: July 9, 2001

For: Compositions and Methods for Producing High-Level Seed-Specific Gene Expression in Corn

Confirmation No.: 4832

Group Art Unit: 1638

Examiner: Ashwin D. Mehta

EXPRESS MAIL LABEL NO: EV 325640590 US
DATE OF DEPOSIT: July 15, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- A Preliminary Amendment.
- An Amendment Responsive to the Office Action Dated January 16, 2003.
- An Amendment Supplemental to the Paper filed
- Other:
- Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
 - an Independent Inventor
 - a Small Business Concern

- a Nonprofit Organization
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- Loss of Entitlement Enclosed
- Substitute Pages _____ of the Specification are enclosed.
- An Abstract is enclosed.
- Sheets of Proposed Corrected Drawings are enclosed.
- A Certified Copy of each of the following applications: _____ is enclosed.
- An Associate Power of Attorney is enclosed.
- Information Disclosure Statement.
 - Attached Form 1449.
 - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- Appended Material as follows:
- Other Material as follows: Formal drawings (8 sheets) comprising Figures 1-8 and form PTO 948.

FEE CALCULATION

No Additional Fee is Due.

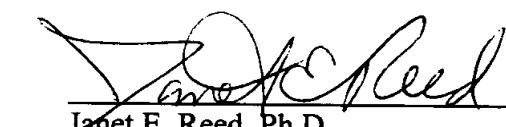
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	SMALL ENTITY FEE	NOT SMALL ENTITY FEE
TOTAL CLAIMS	14	21 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH \$0
INDEP. CLAIMS	2	3 (3 MINIMUM)	0	\$42 EACH	\$0	\$84 EACH \$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0	\$280 \$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110 \$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$0	\$410 \$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$465.00	\$930 \$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$0	\$1450 \$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$0	\$1970 \$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	minus (\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110 \$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:					\$0	
TOTAL FEE DUE					\$465.00	\$0

- A check in the amount of \$465.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of January 16, 2003 to and through July 16, 2003 comprising an extension of the shortened statutory period of three (3) month(s).
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- The foregoing amount due for filing this paper.

- Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: July 15, 2003


Janet E. Reed, Ph.D.
Registration No. 36,352

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

NOTICE OF DRAFTSPERSON'S
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 7-9-01 are:

- A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

<p>1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink. Color. — Color drawings are not acceptable until petition is granted. Fig(s) _____ — Pencil and non black ink not permitted. Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84(b) — 1 full-tone set is required. Fig(s) _____ — Photographs may not be mounted. 37 CFR 1.84(e) — Poor quality (half-tone). Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(e) — Paper not flexible, strong, white, and durable. Fig(s) _____ — Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____ — Mylar, vellum paper is not acceptable (too thin). Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes: — 21.0 cm by 29.7 cm (DIN size A4) — 21.6 cm by 27.9 cm (8 1/2 x 11 inches) — All drawing sheets not the same size. Sheet(s) _____ — Drawings sheets not an acceptable size. Fig(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm SIZE: A4 Size Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm SIZE: 8 1/2"x 11 Margins not acceptable. Fig(s) _____ Top (T) _____ Left (L) _____ Right (R) _____ Bottom (B) _____</p> <p>6. VIEWS. 37 CFR 1.84(h) REMINDER: Specification may require revision to correspond to drawing changes. Partial views. 37 CFR 1.84(h)(2) — Brackets needed to show figure as one entity. Fig(s) _____ — Views not labeled separately or properly. Fig(s) _____ — Enlarged view not labeled separately or properly. Fig(s) _____</p> <p>7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3) — Hatching not indicated for sectional portions of an object. Fig(s) _____ — Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____</p> <p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i) — Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k) — Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l) — Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) <u>260</u></p> <p>11. SHADING. 37 CFR 1.84(m) — Solid black areas pale. Fig(s) _____ — Solid black shading not permitted. Fig(s) _____ — Shade lines, pale, rough and blurred. Fig(s) <u>2</u></p> <p>12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p) — Numbers and reference characters not plain and legible. Fig(s) _____ — Figure legends are poor. Fig(s) _____ — Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____ — English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____ — Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q) — Lead lines cross each other. Fig(s) _____ — Lead lines missing. Fig(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t) — Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u) — Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w) — Corrections not made from prior PTO-948 dated _____</p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152 — Surface shading shown not appropriate. Fig(s) _____ — Solid black shading not used for color contrast. Fig(s) _____</p>
<p>COMMENTS <u>Remove THE SHADING FROM FIG. 6, 8</u></p>

REVIEWER J. C. Chase DATE 1-8-03 TELEPHONE NO. 703 305 8430ATTACHMENT TO PAPER NO. 10